



Document Set ID: 3049872  
Version: 14 Version Date: 25/11/2020



Committees contribute significantly to Snowy Valley Council's business and provide a valuable and vital link between the operation of Council and the community. Committee members are volunteers for our community, working side by side with Council to deliver services, facilities and informed decision making and as a result, share many obligations and responsibilities.

Council is committed to ensuring committee members are strongly supported and have access to the tools necessary to provide meaningful advice and successfully manage the operations of Council facilities or services.

This Operation Manual has been developed to help current and future committee members, fulfil their role to the best of their ability. The information relates to the two types of committees we have at Snowy Valleys Council - Advisory and Community Committees.

Advisory Committees provide valuable advice from the community perspective for Council decision-making processes.

Community Committees who manage community assets such as community halls, reserves and facilities on behalf of Council represent diverse user groups and encourage broader community participation, and their volunteer labour has considerable value.

Thank you for your interest in Council's Committees and providing your time and expertise for the benefit of our community.

**Matthew Hyde**

**Chief Executive Officer**



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*Committees can have different functions, so not all sections of this Operations Manual may be relevant to each reader. Any information that is specific to a committee can be found in its Terms of Reference.*

## **PART 1 - DEFINITIONS**

### **Committee Member**

A member of a committee who has been appointed by the Council and has voting rights. Committees may recommend to the Council and then Council resolve to appoint those individuals to the Committee as committee members.

### **Councillor Delegate**

A Councillor who is appointed to the committee by the Council and has voting rights. All Councillors can attend committee meetings but only appointed Councillor delegates can vote.

### **Council Official**

As per Councils Code of Conduct –Council officials for the purpose of this manual include Councillors, staff and Council committee member. It should be noted that individuals committee members are considered to be public officials while engaged in committee activities and so generally legislation that applies to public officials applies to committee members.

### **Office Bearers**

A committee member who has been appointed Chairperson, Vice Chairperson, Secretary or Treasurer. Committees may recommend to the Council and then Council resolve to appoint those individuals to office bearer positions.

### **Staff Delegate**

A staff member of Council who is appointed to a Committee and is responsible for supporting committee operations. The staff delegate is the main point of contact between Council and the committee who will participate in committee discussions and deliberations but do not hold membership of the committee nor have voting rights.

### **Terms of Reference**

A document that is adopted by the Council that establishes the committees purpose and details the specific authority that committee has to oversee a delegated area of responsibility. It may be drafted in consultation with the Committee. It will clearly set the roles, responsibilities, membership and reporting requirements.

### **Volunteer**

A current registered and inducted volunteer of the Council. Non-voting committee members that participate in committee activities must be volunteers of the Council.

## **PART 2 - INTRODUCTION**

Committees fulfill a valuable role for Council and the wider community, providing a formal mechanism for Council to draw on the considerable knowledge, experience and interests of community members in the provision and management of Council services.

A committee's role may be to provide advice and recommendations for Council consideration, or perform defined functions on the Council's behalf such as the provision of services or management of Council-owned facilities such as public halls or recreational reserves.

This *Operation Manual* has been developed to help committee members fulfill their role with confidence. Council's *Code of Conduct*, *Council Committees Policy*, and the *Committee Terms*

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*of Reference* are also valuable documents available to guide the activity and action of Committees.

#### **How are Committees Established?**

Council can establish a committee to meet an identified need or as a result of a request from the community. A report outlining the reasons why a new Committee should be established is presented to the Council for consideration. If the new committee is adopted, Council must also adopt a committee Terms of Reference that describes the specific objectives and responsibilities Council has delegated to it. Any amendments to the Terms of Reference must be adopted by a resolution at a formal meeting of the Council.

#### **Legal Status**

Council delegates its authority to the committee to act on its behalf in line with the Committee's *Terms of Reference*. As a result, legally, the committee is part of "Council" and any action the committee undertakes is conducted under Council's authority. Committees do not act in their own right and their actions are not legally independent of Council. Council delegates its authority to the committee to act on behalf of the Council and can withdraw this delegation at its discretion.

The committee cannot change this name and/or title without advising the Council of the intention to adopt a new name and/or title, nor can a committee merge with another party/committee without prior notice and input from Council.

Committee members must act in the interests of Council. This includes not:

- Acting contrary to any direction from Council, which includes a direction from the CEO, Executive Director, Manager or appointed delegate
- Acting contrary to Council's policies
- Advising any person that they may have a legal right or action against Council or any Councillors, Council employee or Council contractor exercising a function of Council
- Making any admission of liability or accepting liability on behalf of Council or the committee
- Acting contrary to Council's *Code of Conduct*
- Acting outside the limits of the committee's delegation
- Acting or presenting the committee as independent of Council.

#### **Sub Committees**

A committee is an entity in its own right and does not have the ability to sub delegate. Committees will not form or appoint sub committees.

#### **Working Groups**

The committee may form working groups for specific purposes relating to the activity associated with their objectives. These working groups have no legal standing and must report back to the committee.

The activities of the working group must be related to the delegated function of the parent committee and details of the persons and activities involved must be included in the minutes from ordinary meetings.



Members of the working group must be appointed members of the committee or registered and inducted volunteers of Council.

### **PART 3 – LIMITATIONS OF POWER**

#### **Section 377 Legislative Limitations**

There are limits to the powers Councils are allowed to delegate to committees under Section 377 of the Act and are identified in the *Council Committees Policy*. Donations must be minuted and approved by a resolution of the Council.

#### **Official Correspondence to government officials must be signed by the CEO**

The committee is not permitted to forward correspondence to government officials or government departments including the Governor-General, Prime Minister, Premier or government ministers as an official representative of Council. All official correspondence must be signed by the Chief Executive Officer or their representative.

#### **Fees and Charges must be adopted by Council**

Fees and charges must be fixed by Council at the same time that it reviews the *Resourcing Strategy* for adoption and implementation each financial year. Committees are to review their fees and charges annually and make recommendations to the Council by February each year so that they can be considered and included if accepted. Fees and charges are effective on a Council financial year basis from 1 July – 30 June each year. Current fees and charges are publicly available on Council's website.

The committee does not have the power to provide subsidies or waive hire fees. Requests for fee reduction must be referred to Council. The committee may use the facility free of charge if fundraising for the facility. *Note this is not applicable to a third-party hirer even if they are fundraising for the facility.*

#### **External Grant Funding Notification Form approved before application submitted**

External grant applications should link back to the Council's *Delivery Program* and *Operational Plan*. Councils *External Grant Funding Notification Form* needs to be submitted via the staff delegate and approved before any funding application is submitted. Where the grant application is for the purchase of an asset, Council's *Asset Management Policy* may apply.



**Comments to media (outside ToFR) must be approved by Communication and Engagement Team**

The Committee has the authority to make comments, develop and deliver media and marketing campaigns relevant to the Committee purpose only. The Committee must not make comments to the media on any other matter without approval of Councils Communication and Engagement Team.

**Engaged contractors must be approved Council Contractors**

Council requires all contractors working on Council assets are fully inducted and approved by Council before work commences. A list of approved contractors is available from your staff delegate. If works are required outside standard business hours, please phone Council's duty officer on 1300 275 782.

**Event management must be approved by Events Activation Officer**

Council is responsible for all activities undertaken by the committee, including events. To effectively mitigate event related risks, committees should work closely with Council when considering holding or organising an event to ensure that the event is well planned and safe for members of the community. Council has an events management manual and approval process. All event enquiries should be referred to your Staff Delegate or Council's Place Activation Team.

#### **PART 4 – APPOINTMENT AND MEMBERSHIP**

##### **Committee Membership**

Membership of the committee is detailed in the *Terms of Reference* Membership should consist of not less than three and not more than twelve voting members, inclusive of Councillor representative.. Membership may comprise of the following. Where a committee member is unable to attend, an alternate representative may participate as follows:

<b>Committee Member</b>	<b>Alternate</b>
Councillors	Yes
Council employees	Yes
Representative from Government departments	Yes
Representative from community organisation	Yes
Representatives of a sporting body	Yes
Community member (individual citizen)	No



Committee membership is open to all residents or rate payers of Snowy Valley's Council Local Government Area who are committed to the activities of the committee. If neither a resident nor a rate payer, a prospective committee member must be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council.

Committee members are not to be charged for membership to committees.

### **Committee Member Nominations**

For community committees, membership is generally via an expression of interest from members of the community.

For advisory committees, vacancies may be advertised and expressions of interest sort.

If more nominees are interested in joining the committee than there are vacancies, then current members will vote to decide who will become the nominee to Council to be a member/s. This must be recorded in the minutes.

Committees are responsible for making a recommendation to the Council for the appointment of members. Completed *Committee Member Nomination Forms* are to be completed and attached to the meeting minutes that are reported to Council.

### **Ceasing Committee Membership**

A person shall cease to be a member of the committee if the:

- Committee is dissolved by Council
- Member resigns from office by notification in writing to the committee
- Member is absent without notification from 3 consecutive meetings of the committee
- Council passes a resolution to remove the person from the committee
- The member is found to have acted in a manner contrary to the Code of Conduct by the CEO or their delegate.

Where a committee has resolved that a member is to be disqualified, the resolution must be recorded in the minutes and submitted to the CEO within 7 days of the meeting. The member is not to be disqualified until the committee resolution is confirmed by a resolution of Council.

### **Committee Review**

Review of all committees and their structures will be conducted annually in August prior to the presentation of the scheduled *Committees and Nomination of Delegates Report* to Council for each September Council meeting.

Non-compliance may result in an internal investigation into the operations and conduct of the committee with a report and recommendation presented to Council.

### **External Disputes**

Where individual citizens or groups of citizens of the LGA disagree with a resolution of the committee or actions of the committee, these bodies have the right to refer their grievances in writing to the committee for consideration.





Where the committee refuses to alter its decision or actions, the individual resident or group of citizens from within the LGA may present their complaint to Council in writing, and will be dealt with using Councils *Complaints Management Policy*.

#### **Internal Disputes**

All internal disputes between members of the committee are to be resolved within the committee in the first instance.

Where a dispute occurs within a committee the resolution of the majority of the committee as a whole will determine the outcome, where this is not possible the Chairperson will have the casting vote.

There will be no right of appeal when the committee has determined its resolution of a dispute; but where disputes are considered irreconcilable by the committee they will be referred to Council and processed using Councils *Complaints Management Policy*.

#### **Dissolution of Committee**

Council may dissolve a committee at any time for any reason, including but not limited to:

- Council has decided to carry out the previously delegated function itself
- The committee is not acting within its *Terms of Reference*
- Where a vote of 75% of members entitled to vote present at an extraordinary meeting convened to consider this option.
- The committee has become inoperable due to membership dropping to less than three members
- There have been no meetings of the committee in more than 12 months
- The objectives of the committee are no longer relevant or required.

Upon the committee being dissolved, by resolution of Council, assets and funds of the committee shall, after payment of expenses and liability, be handed over to Council. The committee must forward all records such as minutes, correspondence financial records etc., to the Council immediately following dissolution.

### **PART 5 – MEETINGS**

As the committee has responsibilities to both Council and the community, a reasonable degree of formality and documentation is required. This, however, does not mean that the meetings should be burdensome. It is important that meetings are pleasant and conducted in an open and friendly manner that encourages participation of all members.

#### **Meeting Frequency**

Committees should meet on a regular basis – no less than 3 times per year, unless stated in the committees *Terms of Reference*. Regular meetings either face to face or via video link, ensure that necessary tasks are attended to promptly and provide an ongoing accountability to both Council and the community.



### Notice of Meetings

Once appointed, the committee will need to agree to a schedule of meeting dates and times which must be circulated to committee members, Councillors and Council staff who may wish to attend. Meetings dates are programmed at the AGM.

Meetings may be rescheduled with a minimum of 2 weeks' notice where necessary.

### Meeting Guidelines

Meetings are to be conducted to standard meeting guidelines and include:

- A quorum is present
- Appropriate notice is given
- Business on the agenda is openly discussed
- Correspondence and minutes are recorded
- Minutes and recommendations are reported to Council.

### Quorum

This refers to the minimum number of members who must be in attendance to approve business. The committee's *Terms of Reference* will state the quorum requirements. A quorum will normally consist of members equal to the number that is half the committee plus one. If a quorum is not present within half an hour after the appointed starting time, the meeting will be adjourned and rescheduled to a later date.

### Agenda

The agenda is an organised list of headings of all the major items, in order, that will be discussed at the meeting. The agenda is to be made available 5 days prior to the meeting of the Committee. The agenda must be provided to all committee members.

Each item of business to be discussed at the meeting is required to be included on the Agenda. Items not on the agenda can be brought to the attention of the committee under Business Arising. If any items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting's agenda. A *Committee Meeting Agenda Template* is provided for reference.

### Tabling of Correspondence

A list of correspondence sent or received in relation to committee business should be presented at the committee meeting. All committee correspondence should indicate that the committee is in fact a committee of the Snowy Valleys Council. The committee may only send correspondence if it is directly related to the committee purpose as per the *Terms of Reference*. All correspondence is required to be suitably filed together for future reference.

The signing of correspondence is limited to

- Mayor
- CEO ( or delegate)
- Committee members



### **Minutes of Meetings**

Minutes of the business discussed will be kept and a copy forwarded to all committee members and to Council within 7 days of the meeting date.

The Chairperson and the Secretary/Secretariat of the committee are responsible for ensuring minutes of each meeting are a true and accurate record. Minutes are considered to be a public document and those attending the meeting are consenting to their name and position being publicly available. All motions and amendments as well as the results or actions must be recorded. A motion to confirm the acceptance of the minutes can only be moved and seconded by members who attended the meeting to which the minutes relate.

### **Voting**

Voting is the mechanism for committee members to express agreement or disagreement with a motion. All committee members are entitled to one vote. Decisions shall be made by a majority vote and the Chairperson shall have a casting vote if votes are equal.

Voting should be conducted in the following way:

- a. Vote by show of hands

The chairperson asks people in favour of a decision to raise their hands, firstly those in favour, counts hands and announces the total, and does the same for those against.

- b. Vote by secret ballot

Members vote on paper and put into a general pool, the secretary and a non-voting member, count the votes. Any requests by members for a vote to be conducted by secret ballot cannot be denied.

### **Ordinary Meeting**

Ordinary meetings of the committee are required to address the objectives of the committee as outlined in the Committee's *Terms of Reference*. The aim is to meet as often as is necessary for the effective management of the committee and its delegated responsibilities.

### **Extraordinary Meeting**

An extraordinary meeting of the committee may be called to discuss urgent business and / or matters outside the scope of an ordinary meeting, and must be requested by at least two members of the committee. An agenda will be prepared and circulated to all members of the committee at least two days prior to the meeting. No other business will be discussed at this meeting other than that of the urgent business.

### **Annual General Meeting (AGM)**

The AGM date must be set at an ordinary meeting and publicly advertised at least 14 days prior to the meeting date.

An AGM is held every year and is distinct from an ordinary meeting. The main objectives are to report on what the committee has done over the past year and to elect new office bearers for the coming year. The new members of the committee – even if members are re-elected to positions - will need to be endorsed by Council. All Community Committees are requested to hold their Annual AGM in July each year.



This will ensure the annual financial report will be presented to Council for adoption no later than 31 July to enable inclusion in Council's financial audit and annual report.

The following is required at the AGM

- Annual report of financial affairs
- Committee member register
- Committee executive nomination forms
- Key register
- Review of committee's Terms of Reference
- Assets register
- Review committee risk assessment

Any new committee members voted into executive positions are able to vote at the first meeting following the AGM as long as Committee Nomination Forms are completed and reported in the minutes to Council.

#### **PART 6 – OFFICE BEARERS – COMMUNITY COMMITTEES ONLY**

*Advisory Committees are administered by the Council and a chairperson is appointed as per the committees Terms of Reference.*

The roles and responsibilities of each office bearer position are outlined in *Part 12 – Roles and Responsibilities*.

Office bearers (also known as the Executive) are to be elected at the committee's first meeting and then yearly at the AGM and hold office for a period of twelve months or until their successors have been appointed. The committee will, from its own members, elect the following office bearers:

- Chairperson / President (Mandatory) (Position may be held by a Councillor)
- Vice Chairperson (Optional)
- Secretary (Mandatory)
- Treasurer (Mandatory)

Office bearers do not have greater decision-making power than other committee members, other than the chairperson who has a casting vote in the event of a tied vote.

For compliance requirements there must be no more than two relatives in office bearer positions and no more than half of voting members can be related. For the purpose of this manual, the definition of 'relatives' shall be the same as under the Act which is:

- the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse or de facto partner,
- the spouse or de facto partner of the person or of a person referred to above

In the absence of a Chair, including resignation, where no voting member is willing or able to Chair the meeting the Mayor may delegate to another Councillor, Council employee or committee member this role until a new Chair is appointed.



### **Election of Office Bearers**

At the AGM, office bearers of the committee stand down and their positions are declared vacant. A Returning Officer, appointed at the meeting, takes the Chair and calls for nominations for the positions of office bearers and committee members.

### **Procedure for Election of Office Bearers**

Nominations can be accepted in two ways:

- In writing, duly seconded, and signed by nominee, prior to the AGM; or
- Verbally from the floor to the Returning Officer.

If two or more persons are nominated for a single position a vote must be taken. Persons nominated for election are entitled to vote for themselves. If a tied ballot occurs, the name of each candidate is written on a separate, identical piece of paper, and drawn 'from the hat' by the Returning Officer (or an impartial observer). The first name drawn is elected to the Office.

A list of duly elected office bearers and committee members must be recorded together with the names of nominators and seconders. Minutes of the AGM with the list of duly elected office bearers and committee members must be sent to Council for approval within 7 working days.

## **PART 7 – POLICY REQUIREMENTS**

As well as the *Code of Conduct*, Council has many policies and procedures that are applicable to committee members. These policies can be found on Council's website or can be provided in electronic or hard copy from the staff delegate.

### **Code of Conduct Obligations**

Council's *Code of Conduct* applies to Councillors, employees, committee members and volunteers. The *Code of Conduct* sets out the principles to ensure the business of Council is carried out in an efficient, honest and impartial way.

Committee members must act lawfully honestly, and exercise a reasonable degree of care and diligence in carrying out functions under the Act (Section 439) or any other Act.

### **Conflicts of Interest**

A conflict of interest can arise when a member of the committee has other involvements or interests, which make it difficult for them to always remain impartial when involved in discussions and decision-making. If a conflict of interest arises, the Chairperson and staff delegate must be notified. In addition to the Code of Conduct there is the '*At a Glance*' guide for Council Committee Members and Delegates' guide published by the Office of Local Government that can be used as a reference.

### **Record Keeping**

The State Records Act requires that Council officials must keep full and accurate records which document their activities and decisions and reasons for decisions. For the purposes of this section a record is defined as recorded information in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity. (AS ISO 15489). All such records must be

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kept secure against unauthorised access, alteration, loss or theft, and destruction for a period of seven years, after which time they may be archived by Council's Information Management Officer.

### **Working with Children Permits, Qualifications and other Licenses**

Committees should ensure that where work is being carried out that requires specific licenses, permits or qualifications that these are current. Any activity requiring the use of vehicles or plant and equipment requires appropriate licenses to be in place for the member or volunteer engaged to drive.

Any Committee member or volunteer who as part of their committee activities, is primarily involved in direct contact with children where that contact is not directly supervised, are required to undergo a Working with Children Check as per Council's *Volunteer Policy*.

Other examples of appropriate qualifications and licenses include Police Checks, CPR, first aid etc. Copies of relevant licenses or records are required to be kept on file for any projects being implemented.

### **Food Handling**

A person who handles food intended for sale, or sells food for human consumption to the public is considered a retail food business – regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only (such as temporary food stalls at events or markets).

All food businesses are required to notify their details to Council prior to operation by completing Council's *Food Business Registration Form*; or if intending to sell food at an event, completes Council's *Temporary Food Premises Application Form*. Notification exemptions only apply for charities, groups and volunteers who sell food that is not required to be kept under temperature control (such as chocolates, lamington/muffin drives etc.) and will be consumed immediately after cooking, such as a sausage sizzle. All food businesses inclusive must practice safe food handling and preparation practices, and are required to meet food safety requirements in accordance with the Food Act 2003 and Australian Food Standards Code. For clarification on food safety for businesses including notification requirements, please contact Council's Environmental Health Officer.

### **Bullying and Harassment**

As per Council's *Dignity and Respect Policy*, Council believes that all workers, committee members, volunteers and others should be able to work in an environment free from bullying and all forms of harassment. Bullying is repeated, unreasonable behaviour directed towards a worker, or group of workers, that create a risk to health and safety. Council encourages all its workers, committee members and volunteers to report bullying and harassment in the workplace.

### **Fraud and Corruption**

Fraudulent or corrupt behavior by committees or committee members will not be accepted. It may constitute a criminal offence and be prosecutable. Suspected fraud or corruption should be reported by committee members to one of the following; the Executive Chief of Staff, the Coordinator Governance and Risk, Chief Executive Officer or the Mayor. All committee members should familiarise themselves with Council's *Fraud and Corruption Control Policy* and *Internal Reporting Policy* which offers protection against reprisals for anyone performing official functions of council and making a disclosure against another Council official.



### Internal Reporting Policy

Whilst recognising that some individual committee members may be acting in a voluntary capacity they are considered to be Council officials whilst engaged in committee activities. As a result the Public Interest Disclosures Act 1994 and Councils *Internal Reporting Policy* applies to each committee member.

### PART 8 – WHS REQUIREMENTS

The Work Health and Safety Act 2011 and associated regulations impose duties on all persons who may affect the health and safety of others by their actions or lack of action. Council, as the employer, must ensure the health, safety and welfare of each Council participant and others who may be affected by the way the Council conducts its business and work activities. This includes committee members, contractors, volunteers, visitors, ratepayers, sales representatives and passing pedestrians and motorists. The law does this by;

- Protecting workers, including committee members, from harm by requiring Council to eliminate or adequately minimise risks associated with work
- Requiring fair representation, consultation and cooperation occurs in relation to health and safety in the workplace
- Promoting the provision of advice, and education about health and safety; and
- Providing a framework for continuous improvement and increasing standards of health and safety in workplaces.

### Council's WHS Commitment

Council is committed to ensuring the health and safety of its employees, volunteers, contractors and visitors to its workplaces and worksites. Council is proactive in taking all practical and reasonable steps to ensure a safe and healthy environment. All committee members must follow Council's *Work Health and Safety Policy*.

### What Do You Need To Do?

In accordance with the Code of Conduct, all council officials, including councillors, owe statutory duties under the Work Health and Safety Act 2011 (WH&S Act). Committee members must comply with duties under the WH&S Act and responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, committee members must:

- a) take reasonable care for own health and safety
- b) take reasonable care that acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified
- e) report accidents, incidents, near misses, to the CEO or such other staff member nominated by the CEO, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.



### **First Aid and First Aid Kits**

For a serious injury '000' should be called immediately. Where an injury has occurred and/or first aid has been administered it must be reported using Council's *Incident /Accident Report Form*, in all instances.

Where the need is identified from a risk assessment process, first aid kits will be provided and serviced by the Council. Committees will be responsible for having the first aid kit exchanged every six months by providing the kit to Council.

## **PART 8 – RISK AND INSURANCE**

### **Risk Management**

Risk influences every aspect of Council operations. Understanding the risks Council faces and managing them appropriately will enhance Council's ability to make better decisions, safeguard assets, provide services to the community and achieve Council goals.

Council has developed a *Risk Management Policy* and *Enterprise Risk Management Framework* to provide a systematic approach to ensure risks are identified and that controls are implemented to mitigate risk.

### **Risk Assessment**

The staff delegate will organise for formal risk assessments to be undertaken for activities of the committee. They will use the Council *Risk Management Policy* and *Enterprise Risk Management Framework* to identify risks and provide a systematic approach to managing those risks.

### **Incident and Accident Reporting**

Incidents or accidents to volunteers or members of the public, should be reported to Council as soon as possible after they occur using the *Incident /Accident Report Form* and sent to the staff delegate immediately.

The committee should immediately report to Council any matter or incident notified to them, which may give rise to claim against Council. Committee members must never admit liability.

### **Insurance**

In relation to committees, Council maintains the following insurance cover:

- Public Liability Insurance
- Casual Hirers Liability Insurance
- Personal Accident Insurance
- Property Insurance
- Motor Vehicle.

These insurance policies do not preclude committees from having to exercise due diligence. It is also important to note that Council's insurance will not cover the acts or omissions of a committee which is not complying with Council policy and procedure.





### **Public Liability Insurance**

Council maintains Public Liability Insurance providing cover for incidents relating to a third party personal injury or death or loss or damage to property caused by an occurrence with the business for which Council or entities of Council such as committees are deemed to have had a duty of care.

For committees who manage facilities, it is important that any sporting body, clubs, association, corporation or incorporated body hiring the facility carry their own Public Liability to a minimum value of \$20 million cover and that the committee obtains a copy of a current Certificate of Currency to verify that cover is in place and that it covers the entity for the function being held.

### **Casual Hirers Liability Insurance**

This insurance coverage relates to casual hirers of facilities owned by Council being any person or group of persons (not being a sporting body, club, association, corporation or incorporated body) who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or twelve times per calendar year.

The intention of this insurance is to provide liability cover for organisers of events such as birthday parties, or weddings. Without this cover the organiser could be left personally liable for all costs associated with the claim.

### **Personal Accident Insurance**

Personal accident insurance provides limited benefits to committee members where accidental death or injuries are suffered whilst carrying out the activities of Council as a committee member.

### **Property Insurance**

Council maintains both property and contents insurance. This does not include equipment belonging to groups such as pre-schools, playgroups, sporting organisations or any other non-Council entity, which may be stored at the property. It is the responsibility of the committee to ensure that each user maintains adequate insurance of all contents owned by the user and which is stored in buildings under the care, control and management of the committee. Equipment damaged or stolen that does not belong to Council or the committee cannot be claimed under an insurance policy managed by Council.

Where committees purchase or acquire contents, details are to be forwarded to Council to be included on the asset register.

### **Motor Vehicle**

In the event that a committee member uses a Council vehicle, the motor vehicle policy will provide cover.

## **PART 9 – FINANCIAL MANAGEMENT**

Committees are given authority to operate by Council and are subject to the same rules and regulations as Council. The rules are set out in the Local Government Act, Local Government Regulation, Office of Local Government guidelines and Australian Accounting Standards. It is Council's responsibility to ensure that committees are accountable for their financial management.

The *Terms of Reference* for each committee outline the process for financial management within the committee's purpose and function. The committee's Treasurer is responsible for the financial management of the committee.

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All funds raised, received or spent are subject to public scrutiny and the committee ensures that funds are used in the manner for which they are intended and provides clear and full disclosure of the committee's financial activity.

### **Committee Finances**

All committees should manage their finances through Council's finance system and ensure that this is undertaken in an efficient and effective way. Council's CEO directs committees to process their financial records through Council's finance systems unless they are of the opinion that this is not the most appropriate and efficient method of recording financial transactions. In general, Council committees are not allowed to keep their own bank account. However, Council may decide by resolution to allow a committee to keep a bank account under certain circumstances.

Should a committee be allowed to keep a bank account, it must ensure that the account is held with a recognised financial institution within the Snowy Valleys Council Local Government Area. Two signatories are required and only non-related office bearers are to be approved as signatories. A bank account cannot be overdrawn.

Any committee that manages Council funds must at minimum meet the following conditions:

- All expenditure is in accordance with Council's *Procurement Policy* and a tax invoice must be obtained for all expenditure and prior to making any payment for goods or services.
- Payments are electronic. Cash payments are not permitted.
- All goods and services provided by the committee have to be invoiced to the recipient.
- Electronic receipts are preferred. Cash receipts are banked within 2 (two) business days either via Council's customer service team or into a committee's bank account. All cash payments received have to be acknowledged by an appropriate receipt.
- Australian taxation legislation governs Council's finances. GST is applicable to all invoices issued and in accordance with Council's Fees and Charges schedule.
- Committees operate under Council's Australian Business Number (ABN) and under no circumstances can obtain their own ABN. GST paid and collected is reported to Council's finance team on a quarterly basis. Where applicable, Council will invoice the committee if GST collected exceeds GST paid or refund if vice versa.
- All income and expenditure is recorded electronically or manually and financial transactions and records have to be reconciled monthly and provided to Council quarterly.
- An annual report of financial affairs must be provided to Council by 31 July each year.
- No out-of-pocket expenses can be incurred without prior approval by the committee board.

### **Financial record keeping**

Committees are required to keep complete and accurate financial records regardless whether the committee has its own bank account or runs its finances through the Council system. Record keeping has to meet generally accepted principles and legislative and statutory requirements. Financial documentation is retained in an appropriate manner and provided to Council.

Where manual accounting records are kept, a deposit, receipt, cash and cheque book are required in addition to standard record keeping.

The committee's treasurer is responsible for establishing an effective financial system for the committee to maintain adequate financial records. The Treasurer is responsible for providing an up-to-date financial report at each committee meeting held. The staff delegate is responsible for ensuring that the financial statements and the treasurer report are attached to the Council report along with the minutes.



Council's finance team will provide details and templates to allow the Treasurer to acquit the committee's responsibilities relating to record keeping, GST, balance sheet and profit & loss reporting.

#### **Audit of financial records**

Council's Chief Financial Officer or their delegate must be given full access to a committee's financial records within 2 (two) business days upon request. During any Council audit by the Australian Taxation Offices or Council's external and internal auditors all financial records must be produced within 2 (two) business days upon request.

### **PART 10 – ROLES AND RESPONSIBILITIES**

#### **Council**

The Council is responsible for:

- Undertaking the functions identified in Council's Community Strategic Plan, Delivery Plan and Operational Plan through the most efficient and cost-effective means
- Ensuring that committees operate in accordance with the requirements of the Act, other applicable legislation and Council policies, procedures and plans
- Providing adequate support to committees, committee members and their volunteers

#### **Councillor Delegate**

The Councillor Delegates main areas of responsibilities are:

- Ideally attending a minimum of two ordinary committee meetings per year
- Attending the AGM
- Assisting with communication between the committee and Council
- Assisting the committee to comply with this *Operations Manual*
- Raising concerns to the CEO if in any doubt regarding the functions of the Committee
- Speaking at ordinary Council meetings regarding the committee's minutes and activities
- Assess and rectify areas of concern with the committee and reporting to Council

#### **Chief Executive Officer (CEO)**

The CEO's main areas of responsibilities are:

- Efficient and effective operation of the Council
- Oversight of all functions and Council Committees
- Ensuring the implementation, without undue delay, of decisions of the Council
- Managing the Council on a day-to-day basis and to direct employees; and
- Exercising the functions of the Council as are delegated by the Council to the CEO.



### Committee Members

The Committee Members' main areas of responsibilities are:

- Complying with Council's Code of Conduct
- Complying with the provisions of the Committees Terms of Reference
- Adhering to all relevant legislation, policies, procedures, and any other information provided by Council for committees
- Actively participate by regularly attending meetings, providing advice and taking part in decision making
- Supporting the office bearers in carrying out their roles
- Ideally have access to a computer, basic computer skills and use email as a primary form of communication.

### Chairperson (President)

The Chairpersons main areas of responsibilities are:

- Providing leadership
- Ensuring the committee operates within its Terms of Reference.
- Ensuring the committee functions properly and effectively
- Providing support and guidance to the committee
- Acting as the spokesperson for the committee
- Preparing the agenda in consultation with the Secretary or Secretariat
- Conducting meetings in accordance to this manual
- Ensuring meetings are run effectively, on track and on time
- Being able to exercise a second or casting vote in the event of a tied vote
- Acting impartially
- Ensuring attendance registers are used for all activities undertaken by the committee

The Chairperson is assigned as a Council Representative to the committee's volunteers. This means the Chairperson is responsible for ensuring that all community committee members and other volunteers who are engaged by the committee are registered and inducted volunteers of Council. The responsibilities of the Council Representative are *outlined in the Volunteer Policy, Volunteer Procedure and Volunteer Induction & Safety Handbook.*

### Vice Chairperson

If appointed, the Vice Chairperson's role shadows that of the Chairperson. The Vice Chairperson should be able to stand in for the Chairperson at short notice.

### Treasurer

The Treasurer is responsible for the Committees financial management in accordance with this

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manual.

### Secretary

The Secretary's main areas of responsibilities are:

- Ensuring meetings are efficiently organised and minuted
- Maintaining effective records and administration
- Communication and correspondence of the committee

### Staff delegate

For Community Committees the staff delegate responsibilities are:

- Providing overall direction and advice to the management of the committee
- Acting as a single point of contact at Council
- Attending a minimum of two ordinary committee meetings per year
- Attending the AGM
- Liaising with the committee to ensure minutes are received and accurate
- Writing the report to Council for each ordinary meeting and the AGM
- Ensuring that financial statements/treasurer reports are attached to the Council report
- Entering all committee's request for action are entered into Council's CRM system
- Confirming all committee members are registered and inducted volunteers of Council
- Ensuring the Terms of Reference for committee is reviewed at the AGM and adopted by Council soon thereafter

For Advisory Committees, the staff delegate responsibilities are:

- Providing overall direction and advice to the management of the committee
- Acting as a single point of contact at Council
- Compiling the agenda, (in consultation with the Chairperson)
- Distributing the agenda
- Taking the minutes at each formal meeting
- Recording the motions and/or decisions of the meeting including, mover and seconder
- Typing the minutes and distributing to committee members and delegates as soon as practicable
- Ensuring that accurate minutes are kept
- Keeping a record of action items and how they are progressing to report back to the committee at each meeting.
- Ensuring all committee information and records are stored appropriately
- Ensuring the *Terms of Reference* for the committee is reviewed in line with the term of



Council or as required.

Reports to Council, for both Advisory and Community Committees are the responsibility of the staff delegate and include:

- an overall summary of the meeting
- the rationale about what the current issues are
- the opinion of the staff delegate about any recommendations from committee minutes
- what impact this has for Council (financial, reputational, etc.)
- minutes should have been proof read before they are included in the papers to ensure that there is nothing inappropriate and identify contentious issues that need preparation or notification to the CEO (the staff delegate should address any issues of concern or inappropriateness with the committee)

#### **Governance and Risk Team**

The Governance and Risk team at Council is responsible for reviewing all committees of Council. Each year in August the list of committees will be reviewed to ensure the committees are operational and complying with the framework. A report will be presented at the September Ordinary Council meeting with a list of current committees and the respective staff delegate, Councillor delegate and other relevant information.

The Governance and Risk Team is also responsible for:

- Developing, implementing and maintaining the committee's official framework, inclusive of policy, manual, templates, forms etc.
- Providing governance and risk advice to the management of committees
- Facilitating ongoing training and development to committees
- Developing tools and templates to assist the operations of committees
- Providing advice and support to the staff delegate



## **PART 11 – COMMITTEE MANAGEMENT OF COUNCIL OWNED FACILITIES**

### **Purpose**

Hiring a facility is central to the purpose of certain committees. Making such facilities readily accessible to the community, whilst at the same time, raising funds for its maintenance and future improvements are some of the main objectives of such committees.

Committees have the responsibility to ensure the following:

- Access is available to the entire community and is not denied because of ethnicity, gender, disability or religion.
- Priority of use should be given to non-profit making community groups and organisations.
- The facility not be aligned with, or advocate or advertise for or on behalf of, any political party or person/s.

Where applicable, facilities are to be managed in accordance with Councils *Sports Field and Facilities Policy*, Crown Lands Act and adopted management plans.

### **Bookings**

The committee will take control of bookings for the facility (if applicable), subject to Council's *Fees and Charges* and using Council's *Community Facility/Park Use Agreement Form*

### **Conditions of Hire**

It is essential that hirers sign a *Community Facility/Park Use Agreement Form* which shows that they abide by the Conditions of Hire in accordance with Council policies. It is a good idea for the committee bookings officer or another committee member to ensure each hirer understands their obligations when hiring the facility, going over the conditions with the hirer if required.

### **Bonds**

As a safeguard against possible damage, the committee, in accordance with Council's *Fees and Charges*, can hold a bond for the facility or equipment, or to cover the need for additional cleaning, where appropriate. Hirers should be advised that this will be refunded if conditions of hire are adhered to. Abnormal costs associated with the hire of the facility will be deducted from the bond including GST. This may include extra removal of garbage, extra cleaning, lost keys etc.

### **Inclusion**

Committees are acting on behalf of Council, and it is important to uphold the principles of equity, accessibility and inclusivity, providing for the whole community.

Council's *Disability Inclusion Action Plan 2017-2021* will assist Council in meeting its obligations in relation to the NSW Disability Inclusion Act 2014 and ensure a strategic approach exists to support people with disability to participate fully in community life and access Council facilities and services.

Inclusion needs to be considered in all areas of planning and operation of the facility. Critical areas that need to be considered include access to halls and facilities (including toilets and kitchen), making written and web materials available to sight and hearing-impaired people and supporting access to sporting and recreation opportunities.

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### **General Maintenance**

Council's buildings must not in any event be used for any purpose that may conflict with legislation or Council policies.

Each committee has the responsibility for ensuring that the facility under its control is maintained in a state of reasonable repair and does not present hazards to users. This may entail regular maintenance and periodic maintenance of a major scale. Council's employees will inspect the various facilities from time to time but committees are expected to keep Council informed of any substantial repair or upgrade work required on the facility under their control.

Any repair work must first be referred to the Staff Delegate for advice and approval before any work is undertaken. Generally, Council will be responsible for major maintenance and improvements, such as external painting or re-roofing, and consistent with availability of Council funds.

Committees must not engage a contractor without consent from Council.

### **Facility Budget Requests**

A committee cannot undertake any work on a Council facility without the written approval of Council. The committee must demonstrate they have funds for the project. The committee may obtain quotes for work to be carried out and make recommendations to Council on the preferred supplier / contractor. Council will liaise with the committee and come to an agreement with the committee as to which contractor will undertake the work.

Any works considered necessary or desirable but beyond the means of the committee should be referred to Council in writing so early consideration might be given to their inclusion in a works program or the allocation of Council funds. Council will consider all improvements or renewals suggested by the committee, ensuring that submissions are fit for the purpose intended, in its annual budget process.

### **Keys and Security**

Committees are encouraged to manage keys and access to the facility in an efficient manner. A complete change of locks may be required if there are too many outstanding or lost keys distributed throughout the community. The committee should manage keys with the utmost security in mind.

### **Fire Protection**

All Council facilities should be supplied with fire and safety equipment and information on how to use it. If this is not available Council must be notified immediately. Equipment will be inspected as required by a professional qualified contractor. This is organised by Council. If the equipment is used irresponsibly by a hirer this should be deducted from the hirer's bond.

### **Emergency Exits**

All exits must be identified by an illuminated exit sign and inspected by a qualified contractor. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked at any time while the facilities are in use.

### **Bookings Officer – Facilities Only**

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If applicable, a committee will have a contact person who is responsible for the bookings of the facility. It is anticipated that the person's name, telephone number and the appropriate contact email address is well publicised for the benefit of the community.

To make a booking, a person or group contacts the booking officer and books the facility for a particular day and time.

The booking officer will advise the hirer of the:

- Fees to be charged
- Bonds and deposits required
- Public Liability insurance requirements
- Conditions of Hire.

The relevant information is entered immediately into the Booking Record. This is preferably an online or via an electronic diary, but could be a hard copy diary which more than one person on the committee should have access to.

The booking should clearly show:

- Date when preliminary booking was taken
- Name, address, telephone number and email address of the hirer
- Type of function
- Times of hire
- Hire charge and bond (if required)
- Public Liability requirement
- Receipt details; reference or receipt number, amount paid and date of payments as they are received
- Caretaker's comments on the condition of the facility and equipment after the function
- Payment details, amount and date of issue when the bond is refunded
- Amount forfeited and reasons why, if applicable.

The Bookings Officer is to advise potential hirers that fees are subject to change and that this usually occurs from 1 July when Council adopts the *Fees and Charges* for the financial year. Fees charged are to be those applicable for the time the function actually takes place and not when the venue is booked (e.g. if a booking is made in March for an event in August – if the fees increase in July, the new increased fee is to be charged. This information should be provided on the *Conditions of Hire* form).

The Bookings Officer should meet hirers and brief them on the facilities use and conditions of hire, and then follow up with inspections after use.

The Bookings Officer is to ensure moneys are forwarded to the Treasurer for banking if not paid by an electronic funds transfer (EFT).

The Bookings Officer is required to liaise regularly with the Treasurer to ensure fees are paid.



## **PART 12 – DOCUMENT CONTROL**

### **Associated Legislation**

- Crown Lands Act 1998
- Independent Commission Against Corruption Act 1988
- Child Protection (Working with Children) Act 2012
- Local Government Act NSW 1993
- Local Government Regulations NSW 2005
- Privacy and Personal Information Act 1998
- Public Interest Disclosures Act 1994
- State Records Act 1998
- Work Health and Safety Act 2011
- Work Health and Safety Regulations 2017

### **Associated Council Documents**

- Asset Management Policy SVC-ENG-PO-109
- Food Business Registration Form SVC-HB-F-052
- Code of Conduct SVC-RP-STY-001
- Committee Member Nomination Form SVC-GOV-F-101
- Committee Terms of Reference
- Community Facility/Park Use Agreement Form
- Complaints Management Policy SVC-COR-PR-020
- Council Committees Policy SVC-GOV-PO-109
- Dignity and Respect Policy SVC-HR-PO-030
- Disability Inclusion Action Plan SVC-CorpPlan-Pln-001
- Enterprise Risk Management Framework SVC-RM-Pln-002
- Fraud and Corruption Control Policy SVC-EXE-PO-040-01
- Gifts and Benefits Procedure SVC-COR-PR-057
- Incident/Accident Report Form SVC-RM-F-007
- Internal Reporting Policy SVC-EXE-PO-039
- Procurement Policy SVC-RM-PO-049
- Records Management Policy SVC-Cor-PO-062
- Risk Management Policy SVC-RM-PO-003
- Sports Field and Facilities Policy SVC-ENG-PO-073
- Temporary Event Food Premises Application Form SVC-HB-F-055
- Volunteer Induction Procedure SVC-GOV-PR-051
- Volunteer Policy SVC-GOV-PO-25
- Work Health and Safety Policy SVC-WHS-PO-051

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### Superseding Document Title and Number

S355 Committee Constitution and Members Induction Manual ToFR 0.3 (former Tumut Shire Council)

Section 355 Committee Management Manual TSC-COR-M-001-01(former Tumbarumba Shire Council)

### History

Date	Version Number	Activity log	Resolution Number	Resolution date
16/07/2020		Endorsed by Council for Public Exhibition	M154/20	16/07/2020
19/11/2020		Endorsed by Council for Public Exhibition for a further 56 days	M270/20	19/11/2020

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# COUNCIL COMMITTEES OPERATION MANUAL

May 2020

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Document Set ID: 3049872  
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